

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Nationwide Number Portability)	WC Docket No. 17-244
)	
Numbering Policies for Modern Communications)	WC Docket No. 13-97

REPLY COMMENTS OF CENTURYLINK

I. INTRODUCTION.

CenturyLink¹ files these reply comments in response to the Notice of Proposed Rulemaking and Notice of Inquiry² released October 26, 2017 in the above-referenced dockets. The initial comments in this proceeding show widespread agreement that it would be reasonable to undertake the complex task of implementing nationwide number portability (“NNP”) only after the transition from legacy TDM to internet protocol (“IP”) networks has occurred. The record shows that requiring providers to modify legacy TDM networks to accommodate NNP would be a massive undertaking that risks a tremendous amount of sunk cost and stranded investment to the detriment of advanced network deployment.³ To avoid this undesirable result, CenturyLink and many other commenters urge the Commission to pursue moving towards NNP using commercial agreements, while deferring further NNP implementation until advanced networks are in place that can provide NNP capability much more efficiently than their legacy counterparts. As the Commission considers NNP implementation, and especially if the

¹ These comments are filed by and on behalf of CenturyLink, Inc. and its subsidiaries.

² *Nationwide Number Portability; Numbering Policies for Modern Communications*, WC Docket No. 17-244 and WC Docket No. 13-97, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd 8034, FCC 17-133 (2017) (“NPRM” or “NOI”).

³ See, e.g., AT&T Comments at p. 5 (filed Dec. 27, 2017).

Commission concludes to implement NNP prior to the IP transition, part of the discussion must include developing a reasonable cost allocation and recovery mechanism to ensure the costs of NNP are borne in an equitable manner.

II. THE RECORD SHOWS THERE ARE SIGNIFICANT HURDLES TO IMPLEMENTING NNP BEFORE THE IP TRANSITION IS COMPLETE.

A variety of commenters describe the challenges of implementing NNP on legacy TDM networks at this late stage in their life cycle. “Rather than force providers to spend their resources on equipment and system upgrades that will have a limited lifetime and thus, limited utility, NNP should be mandated solely for IP networks and not for the PSTN.”⁴ In fact many IP networks are already capable of NNP. This view is not limited to the wireline industry. CTIA recognizes that “[t]he Commission should not require carriers to incur unnecessary and duplicative costs to implement NNP in legacy networks as the industry is working on the IP Transition.”⁵ As AT&T notes, “[i]nstead of relying on solutions dependent on today’s inflexible technologies, the Commission’s NNP efforts should be forward- looking, such that [the transition to] NNP coincides with the transition to all IP networks.”⁶

These commenters also reiterate that many benefits of NNP can be promptly realized through use of commercial agreements, while avoiding the implementation challenges posed by legacy networks. ITTA recognizes that “the only practical model for [implementing NNP] is via commercial agreements, which would mitigate some of the staggering costs ILECs would

⁴ AT&T Comments at p. 5 (citing Chairman Pai’s statement, that “digital opportunity is denied when the FCC rules force providers to maintain the networks of yesteryear.” [Statement of Chairman Ajit Pai, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, FCC 17-154 (2017).]

⁵ CTIA Comments at p. 4 (filed Dec. 27, 2017).

⁶ AT&T Comments at p. 6.

otherwise incur.”⁷ “[Commercial] agreements offer the Commission and interested carriers an expeditious and straightforward path toward enabling the immediate implementation of NNP functionality while broader, more potentially complex options are considered by the industry taking into account evolutions in underlying networks and databases.”⁸ “Given the time and resources that will be necessary to implement [NNP], CTIA and the Competitive Carriers Association previously described how commercial solutions can support non-national mobile wireless provider’s needs in the near term.”⁹ As widely observed in the comments, all of the other proposed NNP models suffer from numerous technical or competitive impediments and prohibitive costliness.¹⁰ Thus, commercial agreements represent the only reasonable, near-term course for realizing NNP without risking delay to the IP transition.

The NOI asks whether it would be feasible and/or beneficial to implement NNP first within a subset of the users of numbering resources, such as wireless carriers.¹¹ With the exception of commercial agreements that can be implemented on a flexible basis, CenturyLink agrees with those commenters that support implementing NNP solutions across all services and providers simultaneously.¹² This approach would avoid unintentionally generating customer confusion, and would help maintain a level competitive playing field among services and service

⁷ ITTA Comments at p. 2 (filed Dec. 22, 2017).

⁸ NTCA – The Rural Broadband Association Comments at p. 2 (filed Dec. 27, 2017). NTCA acknowledges that commercial agreements are not a perfect NNP solution, but that they are a means to achieve NNP functionality today “without invasive or intrusive regulatory disruption of existing industry practices.” NTCA Comments at p. 10.

⁹ CTIA Comments at p. 4.

¹⁰ See, e.g., ITTA Comments at p. 5.

¹¹ NOI, 32 FCC Rcd at 8046 ¶ 39.

¹² Verizon Comments at p. 9 (filed Dec. 27, 2017).

providers.¹³ To do otherwise would be “inconsistent with Commission precedent and create issues with intermodal porting.”¹⁴

III. IT WOULD BE PREMATURE TO CHANGE THE N-1 QUERY RULE UNTIL FULL NNP IMPLEMENTATION.

The Commission should refrain from imposing any new costs on carriers by eliminating the N-1 query prior to a final determination as to whether NNP is in the public interest and, if so, how it would be implemented. Comments show that altering the current system stands to shift more costs to originating carriers of legacy TDM networks, as the querying responsibility that has been long-shared between originating and interexchange carriers would seemingly fall solely on originating carriers and trigger new burdens on them.¹⁵ Given the substantial complexities associated with implementing NNP on legacy TDM networks, commenters agree it would be premature to take the preliminary step of eliminating the N-1 query requirement at this time,¹⁶ especially since that step would provide no consumer benefit but would impose costs on carriers.¹⁷ The Commission should revisit eliminating the N-1 query requirement in the future when there is need to eliminate it, e.g., once the existing N-1 query requirement would actually frustrate or adversely affect NNP implementation.¹⁸ Further, this rule may not even need to be

¹³ AT&T Comments at p. 8.

¹⁴ CTIA Comments at pp. 4-5.

¹⁵ See, e.g., Comments of USTelecom Association at p. 3 (filed Dec. 27, 2017). See also NTCA Comments at p. 12 (noting the irony that eliminating the N-1 query would shift costs from the large interexchange carriers to the very small rural and regional local exchange carriers and wireless providers that the NPRM was intended to benefit).

¹⁶ See, e.g., Cincinnati Bell Telephone Company Comments at p. 3 (filed Dec. 27, 2017) (estimating it would cost them between \$4 million and \$8 million to accommodate the nationwide LNP database needed if the N-1 query requirement were eliminated). *Id.* at p. 4.

¹⁷ See, e.g., NTCA Comments at p. 12.

¹⁸ WTA – Advocates for Rural Broadband Comments at p. 7 (filed Dec. 27, 2017).

eliminated upon NNP implementation since the rule does not prohibit originating service providers from performing queries today. In fact, many IP network operators perform this query today upon call origination.

If the Commission concludes to move forward before such time despite the concerns expressed by commenters, CenturyLink recommends that the Commission wait until after the NPRM's dialing parity proposal – which has broad support¹⁹ – has taken effect because this rule change should result in more customers being subscribed to the long distance carrier affiliated with their local provider. While this will not eliminate all of the burdens associated with removing the N-1 query requirement, this will mean that more traffic will be handed off from originating local carriers to their long distance carrier affiliates – instead of unaffiliated third party long distance providers. This market trend may help minimize the impacts of shifting the costs of LNP queries and simplify moving to a new query regime in the absence of the N-1 query rule.

IV. NNP COSTS MUST BE BORNE IN AN EQUITABLE MANNER.

As the Commission continues to examine NNP implementation, cost allocation and recovery are important issues that need to be part of the discussion. On this issue, NTCA rightly argues that “no carrier – and especially smaller providers – should be forced to incur uncompensated costs (for example, for database “dips” or transport costs [...].) simply to enable *other* carriers to offer NNP functionality.”²⁰ While much of the record addresses the staggering costs associated with NNP implementation on legacy networks, those are not the only costs at

¹⁹ See, e.g., Comcast Comments at p. 2 (Dec. 27, 2017), USTelecom Comments at pp. 3-4, Alliance for Telecommunications Industry Solutions Comments at p. 3 (filed Dec. 27, 2017).

²⁰ NTCA Comments at p. 5. NTCA submits that “the foisting of costs on carriers that have no relationship or privity with either the carrier providing NNP porting capability or that carrier’s customer would be highly problematic.”

issue. As Verizon observes, the intense focus on legacy networks does not mean “that transitioning from the current LRN method would be a simple, low-cost effort for IP-enabled networks. Many IP-enabled service providers have built their operational support systems around the legacy network geographic construct, even if they do not require central office code-based routing.”²¹ Given the variety of stakeholders involved and the potential unbalanced expense of NNP implementation across industry segments, the Commission should consider cost allocation and recovery issues as part of its NNP implementation analysis. The goal should be to ensure that NNP costs are borne in an equitable manner so that the public interest will be served.

V. CONCLUSION.

To serve the public interest, the Commission must ensure that the benefits of NNP outweigh its costs. Resources devoted to making network and systems changes to implement NNP on legacy TDM networks are resources denied to broadband deployment and the IP transition. The record shows that requiring providers to modify legacy TDM networks to become NNP-capable would require massive investment destined to become stranded to the detriment of advanced network deployment. Fortunately, there is a way to avoid this undesirable result. CenturyLink encourages the Commission to pursue moving towards NNP in a measured way using commercial agreements while also promoting the transition from legacy to advanced networks that are or may easily become NNP capable. Any change to the N-1 query rule should be deferred until there is a need to change the rule as part of NNP implementation or allow queries to be performed by originating service providers as those service providers find necessary. Finally, the Commission should consider cost allocation and recovery issues as part

²¹ Verizon Comments at p. 8.

of its examination of NNP to ensure that costs will be borne in an equitable manner and that the public interest will be served.

Respectfully submitted,

CENTURYLINK

By: /s/ Jeanne W. Stockman
Jeanne W. Stockman
Room 3162
14111 Capital Boulevard
Wake Forest, NC 27587
919-554-7621
Jeanne.w.stockman@centurylink.com

Its Attorney

January 26, 2018